

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CR. 913 (KMK)

UNITED STATES OF AMERICA

- against -

PHILIP ETKIN,

Defendant.

NOTICE OF MOTION

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PLEASE TAKE NOTICE that, upon the annexed affirmations of Kerry A. Lawrence and Philip Etkin, the accompanying Memorandum of Law, and all pleadings and prior proceedings herein, defendant PHILIP ETKIN, will move this Court, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, at a date and time to be set by the Court, to rule in limine that a confidential communication between the defendant and his wife be deemed inadmissible at trial. The defendant also moves this Court to conduct an evidentiary hearing at which the government should be required to establish the absence of taint from the prosecution team's exposure to the privileged communications, and the Court should determine if the Indictment should be dismissed, or if the prosecution team should be disqualified, and for such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York
December 10, 2007

BRICCETTI, CALHOUN & LAWRENCE, LLP

By: Kerry A. Lawrence

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